



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/058,075 | 01/29/2002 | Dominique Neveu | 020017 | 2574 |

38834 7590 04/14/2004

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

KRAMER, DEAN J

ART UNIT PAPER NUMBER

3652

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,075

Applicant(s)

NEVEU, DOMINIQUE

Examiner

Dean J. Kramer

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-10, 13, 14 and 16-36 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/04 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1-10, 13, 14, 16, 17, 20-33, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "the supports", as recited in claim 1, line 11 and claim 5, line 1, is confusing in that it is unclear whether it is referring to the "longitudinally extending supports" or the "ball and socket bearing supports" as were previously recited in claim 1.

Further, there is no clear antecedent basis for "the air choke supports" (claims 4 and 6), "the supports" (claims 13 and 14), or "this central core" (claim 32).

Claims 16 and 17 appear to be incorrect in that they recite the longitudinally extending supports are mounted on the profile sections by the ball and socket bearings. However, the longitudinally extending supports are actually mounted on the ball and socket bearing supports, and the ball and socket bearing supports are mounted to the

Art Unit: 3652

profile sections (see claim 1, lines 8-10). Also, in claim 16, line 5, it appears that the word "their" should be changed to --its--.

Further, it appears that in claim 21, line 3; claim 30, line 5; and claim 36, line 1, the phrase "ball and socket bearing(s)" should be changed to --ball and socket bearing support(s)--to more accurately correspond to the disclosed invention.

In claim 24, line 1, it appears that the term "section core" should be changed to --central core--in order to remain consistent with previous and subsequent claim language.

Claims 25 and 28 are confusing in that it is not clearly understood what is meant by the grooves of the profile sections and the central core being "the same".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Blatt (U.S. Patent No. 5,152,566).

Blatt ('566) shows a gripping assembly comprising a profile section (20) having lateral grooves (30,32), a ball and socket bearing support (28) in the shape of an angle bracket (see Fig. 5) with at least a portion (76) thereof extending away from the profile

Art Unit: 3652

section, a longitudinal support(24) with a ball and socket bearing at one end, and an air choke (V2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 7, 10, 13, 16, 21, 23, 24, 29, 30, and 34-36, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatt (U.S. Patent No. 5,152,566) in view of Hoke.

Blatt ('566) was presented above in section 4 and substantially shows the invention as set forth in the above claims except for a central core.

Hoke shows a vacuum gripper assembly comprising a central profile section core (13) with profile sections (14,15) adjustably mounted thereto from which air chokes (16,17) are adjustably mounted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Blatt ('566) device with a central core from which at least two of its profile sections (20) could be adjustably mounted as taught by Hoke in order to create a more versatile mechanism that could better handle large objects. Regarding claims 5 and 13, Blatt ('566) shows two supports (26) and (28) of different lengths.

Allowable Subject Matter

7. Claims 2-4, 6, 8, 9, 20, 22, 25-28, and 31-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. Claims 14 and 17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
9. Claims 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claims 12 and 15 are allowed.

Drawings

It is pointed out that while applicant has submitted two sets of drawings (one marked "Replacement Sheet" and the other marked "Replacement Sheet (Marked-Up Version)"), the two set are identical and contain informal markings on Figs. 2-4.

11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "20" have been used to designate both axes of symmetry (Figs. 2 and 3) and grooves (Fig. 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
12. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

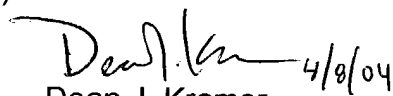
Art Unit: 3652

Reference characters "50" and "60" are still present in Figure 4 but are not mentioned in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (703) 308-2181. The examiner can normally be reached on Mon., Tues., Thurs., Fri. (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/8/04
Dean J. Kramer
Primary Examiner
Art Unit 3652

djk
4/8/04